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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	NO. CR 20-00249 RS (LB)
	)	
Plaintiff,	)	
	)	MOTION AND [PROPOSED] ORDER
v.	)	CONTINUING DEADLINE FOR UNITED STATES
	)	TO FILE RESPONSE TO MOTION TO COMPEL
	)	AND RESETTING HEARING DATE [DKT. 275]
MARCUS ANDRADE	)	
	)	Hearing Date: February 15, 2024 (if necessary)
Defendant.	)	Court: Hon. Laurel Beeler, Courtroom B, 15 <sup>th</sup> Fl.
	)	
	)	
	)	

The United States hereby submits this motion and [proposed] order asking this Court to continue the government's deadline to respond to *Defendant Andrade's Third Motion to Compel Discovery* (Dkt. 275) by two weeks, from Thursday, February 1, 2024, to Thursday, February 15, 2024. Defense counsel will not agree to this extension without significant concessions from the government, as discussed below. In support of its request, the government states the following and submits that there is good cause to grant the requested motion:

- 1       1. On Thursday, January 25, 2024, at 8:44 p.m., counsel for Defendant Andrade filed the  
2       *Defendant's Third Motion to Compel Discovery, Dkt. 275 ("Motion to Compel")*. Counsel  
3       did not consult with the government about the timing for the government's response or  
4       scheduling the motion hearing.
- 5       2. Further, defendant's Motion to Compel repeatedly referenced a declaration by defense  
6       counsel, *see, e.g.*, Dkt. 275, at 2 n.2, 4; however, the document is not accessible on the  
7       docket and government counsel did not receive the declaration via email from defense  
8       counsel until February 1, 2024, at 12:52 p.m. While defense counsel's oversight appears  
9       inadvertent, the declaration includes attachments containing 112 pages of exhibits, which  
10      government counsel did not receive from defense counsel until February 1, 2024, at  
11      approximately 12:52 p.m. and later.
- 12     3. On Tuesday, January 30, 2024, counsel for the government met and conferred with counsel  
13      for defendant Andrade and believed the parties had agreed to a two-week extension for the  
14      government to file its opposition provided the government provide full images of the cell  
15      phones seized from Andrade as soon as possible (provided the government had not  
16      previously returned the devices to Andrade or his prior counsel).
- 17     4. But on January 31, 2024, defense counsel emailed government counsel and said that they  
18      would now only agree to a continuance if the government would immediately produce a  
19      much longer list of requested items.
- 20     5. Undersigned counsel for the government has been working diligently on this case, which  
21      requires a tremendous amount of coordination and communication with law enforcement  
22      agents and entities across multiple districts, which takes more time than in typical cases.
- 23     6. Additionally, government counsel has a previously scheduled international work trip the  
24      week of February 5-9, and a meeting in New York on February 22, which he communicated  
25      to defense counsel during the January 30 telephone call.
- 26     7. Further, at defendant's request, the government agreed in January 2024 to a stipulation  
27      vacating the March 11, 2024, trial date and resetting the trial date for August 5, 2024.
- 28

8. For all of the foregoing reasons, the government respectfully requests that the Court order the following briefing and hearing schedule on the Motion to Compel (Dkt. 275):

- a. Defense Motion to Compel (Dkt. 275) filed: January 25, 2024
- b. Government response filed: February 15, 2024
- c. Defense reply filed: February 22, 2024
- d. Hearing Date: February 29, 2024

DATED: February 1, 2024

Respectfully submitted,

ISMAIL J. RAMSEY  
United States Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
CHRISTIAAN HIGHSMITH  
DAVID J. WARD  
Assistant United States Attorneys

**[PROPOSED] ORDER**

For the reasons stated above, and for good cause shown, the following briefing and hearing schedule is hereby ORDERED:

- a. Defense Motion to Compel (Dkt. 275) filed: January 25, 2024
- b. Government response filed: February 15, 2024
- c. Defense reply filed: February 22, 2024
- d. Hearing date: February 29, 2024

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. LAUREL BEELER  
U.S. Magistrate Judge